

Practitioner's Docket No. W51212-0033

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF
ATTORNEY FOR SIGNATURE BY PERSON WITH SUFFICIENT
PROPRIETARY INTEREST WHERE NO INVENTOR IS AVAILABLE TO
SIGN AND ON BEHALF OF ALL THE INVENTOR(S) WHO REFUSE(S) TO
SIGN OR CANNOT BE REACHED (37 C.F.R. § 1.47(b))**

WARNING: "Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application" § 40903(b), MPEP, 8th Edition.

I, Mr. Pierre Cosnier
(type or print name of person (entity) with sufficient proprietary interest or authorized to act on behalf of such person (entity))

hereby declare that:

I. I am a citizen of France,
residing at 53 avenue des Etats-Unis - 78000 Versailles - France

II. I

- ☐ am a person with sufficient proprietary interest.
☒ am authorized by the following person or juristic entity with sufficient proprietary interest,

(complete the following information, if applicable):

Wavecom

Name of assignee or entity having sufficient proprietary interest

3, Esplanade du Foncet, 92442 Issy-les-Moulineaux Cedex, France

Address of assignee or entity having sufficient proprietary interest

Legal Director

Title of person executing this declaration and authorization to sign on behalf of assignee or entity having sufficient proprietary interest

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for:

Full name of (first, second, etc.) Nicolas Ibrahim
nonsigning inventor who

- ☒ refused to sign.
☐ cannot be found or reached.

NOTE: The name of the nonsigning inventor(s) should preferably also be inserted at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

France

Country of Citizenship of nonsigning inventor

1, rue Bleuets, 78180 Montigny le Bretonneux, France
Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given (and these can best be given in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor). M.P.E.P. § 409.03(e), 6th ed.

IV. Upon information and belief, I aver those fact that the inventor is required to state, 37 C.F.R. § 1.64(b).

V. Accompanying this declaration is a:


(1) Petition by Person Having Proprietary Interest to File Application on Behalf of Inventor(s) Who Refuse to Sign or Cannot Be Found (37 C.F.R. § 1.47(b))

to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

NOTE: Proof that such action is necessary to preserve the right of the parties or prevent irreparable damage may be made in either one of the above declarations by person having first-hand knowledge.

(2) the petition fee of \$130.00, (37 C.F.R. § 1.17(h))

Date: Sept 10, 07


Signature of person with sufficient proprietary interest or authorized
to act on behalf of such person or entity
Pierre Cosnier

(Added Pages to Combined Declaration and Power of Attorney for Signature by Person With Sufficient Proprietary Interest Where No Inventor is Available to Sign and on Behalf of All the Inventor(s) Who Refuse(s) to Sign or Cannot Be Reached [1-5]—page 2 of 2)

Practitioner's Docket No. W51.12-0033

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF
ATTORNEY FOR SIGNATURE BY PERSON WITH SUFFICIENT
PROPRIETARY INTEREST WHERE NO INVENTOR IS AVAILABLE TO
SIGN AND ON BEHALF OF ALL THE INVENTOR(S) WHO REFUSE(S) TO
SIGN OR CANNOT BE REACHED (37 C.F.R. § 1.47(b))**

WARNING: "Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application" § 40903(b), MPEP, 8th Edition.

I, Mr. Pierre Cosnier
(type or print name of person (entity) with sufficient proprietary interest or authorized to act on behalf of such person (entity))

hereby declare that:

I. I am a citizen of France
residing at 53 avenue des Etats-Unis - 78000 Versailles - France

II. I

- ☐ am a person with sufficient proprietary interest.
☒ am authorized by the following person or juristic entity with sufficient proprietary interest,

(complete the following information, if applicable):

Wavecom
Name of assignee or entity having sufficient proprietary interest
3, Esplanade du Foncet, 92442 Issy-les-Moulineaux Cedex, France
Address of assignee or entity having sufficient proprietary interest
Legal Director
Title of person executing this declaration and authorization to sign on behalf of assignee or entity having sufficient proprietary interest

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for:

Full name of (first, second, etc.) Dragan Vujicic
nonsigning inventor who

- ☒ refused to sign.
☐ cannot be found or reached.

NOTE: The name of the nonsigning inventor(s) should preferably also be inserted at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

France
Country of citizenship of nonsigning inventor
14, passage du Chemin de Fer, 91400 Orsay, France
Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given (and these can best be given in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor). M.P.E.P. § 409.03(e), 6th ed.

IV. Upon information and belief, I aver those fact that the inventor is required to state, 37 C.F.R. § 1.64(b).

V. Accompanying this declaration is a:

(1) Petition by Person Having Proprietary Interest to File Application on Behalf of Inventor(s) Who Refuse to Sign or Cannot Be Found (37 C.F.R. § 1.47(b))

to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

NOTE: Proof that such action is necessary to preserve the right of the parties or prevent irreparable damage may be made in either one of the above declarations by person having first-hand knowledge.

(2) the petition fee of \$130.00. (37 C.F.R. § 1.17(h))

Date:

Sept 10, 07



Signature of person with sufficient proprietary interest or authorized to act on behalf of such person or entity

Pierre Cosnier

(Added Pages to Combined Declaration and Power of Attorney for Signature by Person With Sufficient Proprietary Interest Where No Inventor is Available to Sign and on Behalf of All the Inventor(s) Who Refuse(s) to Sign or Cannot Be Reached [1-5]—page 2 of 2)

Practitioner's Docket No. W51.12-0033**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Nicolas Ibrahim et al.

Application No.: 10 /589,542 Group No.:

Filed: 8/16/06

Examiner:

For: CELLULAR RADIOTELEPHONE SIGNAL PERMITTING SYNCHRONISATION OF A SUPPLEMENTARY CHANNEL BY MEANS OF A PRINCIPAL CHANNEL AND CORRESPONDING METHOD, TERMINAL

Mail Stop Petition

AND BASE STATION

Commissioner for Patents**P.O. Box 1450****Alexandria, VA 22313-1450****PETITION BY PERSON HAVING PROPRIETARY INTEREST TO FILE APPLICATION ON BEHALF OF INVENTOR(S) WHO REFUSE TO SIGN OR CANNOT BE FOUND (37 C.F.R. § 1.47(b))**

NOTE: 37 C.F.R. § 1.47 Filing when an inventor refuses to sign or cannot be reached.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in § 1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.

(c) The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the Official Gazette. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the non-signing inventor(s).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)**37 C.F.R. § 1.10 ***☐ with sufficient postage as first class mail.☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION☐ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300._____
Signature

Date: _____

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition by Person Having Proprietary Interest to File Application on Behalf of Inventor(s) Who Refuse to Sign or Cannot Be Reached (37 C.F.R. § 1.47(b)) [1-5.1]—page 1 of 2)

WARNING: "Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application" § 40903(b), MPEP, 8th Edition.

1. The person/party having a proprietary interest in the above identified application, signs below and petitions to make this application on behalf of the non-signing inventor(s):

Nicolas Ibrahim and Dragan Vuicic

Type name of omitted joint inventor

who:

- ☒ refuses to join in the application
☐ cannot be found after diligent effort

2. This petition is accompanied by (i) a showing of sufficient proprietary interest, (ii) proof of the pertinent facts and (iii) the last known address of the non-signing inventor as set forth in the accompanying:

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47).

3. The fee set forth in § 1.17(g) (\$200.00), required by 37 C.F.R. § 1.47(a), is paid as follows:

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ 200.00
☒ Authorization is hereby made to charge the amount of \$ 200.00
☒ to Deposit Account No. 23-1123
☒ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.
☐ A duplicate of this paper is attached.

4. Identification of Person(s) Making this Statement

The person making this statement is:

- ☒ the owner or a person authorized to sign on behalf of the owner on the basis of
☐ an assignment
☐ recorded: Reel _____ Frame _____
☐ unrecorded
☐ copy attached
☐ Statement under 37 C.F.R. § 3.73(b) is enclosed (Form PTO/SB/96)
☐ an agreement
☒ copy attached
☒ other Employment Agreement
for both inventors
☐ supporting papers attached

Pierre Cosnier

type name of person who sign

Legal Director, Wavecom

Official capacity of person who signs (if applicable)

LEGAL DIRECTOR

Signature

(Petition by Person Having Proprietary Interest to File Application on Behalf of Inventor(s) Who Refuse to Sign or Cannot Be Reached (37 C.F.R. § 1.47(b)) [1-5.1]—page 2 of 2)

Practitioner's Docket No. W51.12-0033**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: Nicolas Ibrahim et al.For: CELLULAR RADIOTELEPHONE SIGNAL PERMITTING SYNCHRONISATION OF A SUPPLEMENTARY CHANNEL BY MEANS OF A PRINCIPAL CHANNEL AND CORRESPONDING METHOD, TERMINAL (check and complete (a), (b), or (c)) AND BASE STATION

the specification of which:

- (a) ☒ is attached hereto.
- (b) ☒ was filed on 8/16/2006 as Application No. 10/589,542 and was amended on 8/16/2006 (if applicable).
- (c) ☒ was described and claimed in International Application No. PCT/FR2005/000319 filed on 2/10/2005 and as amended on _____ (if any).

**STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON
SIGNING ON BEHALF OF NONSIGNING INVENTOR**

NOTE: MPEP, § 409.03(b), 8th Edition: "Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973)."

I, I,

Pierre Cosnier

Name of person making statement

53 avenue des Etats-Unis - 78000 Versailles - France

Residing at

am the person signing the declaration on the above-identified application on behalf of the nonsigning inventor and make this statement as to the facts establishing my proprietary interest.

(Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor [1-7])

—page 1 of 3)

II. As of the date I signed the declaration for this application, the proprietary interest in this invention:

(check one)

- ☐ belonged to me.
☒ belonged to the following juristic person:

Wavecom

Name of company or other juristic person

3. Esplanade du Foncet, 92442 Issy-les-Moulineaux Cedex, France

Address of company or other juristic person

and I am authorized to sign the statement on behalf of the juristic person, my title being

(type or print title of person making statement in corporation or juristic person)

Legal Director, Wavecom

NOTE: A person with sufficient proprietary interest may authorize any person, including an attorney or agent registered to practice before the PTO, to sign the application papers on its behalf. Where this happens proof of this authority in the form of a statement signed by an appropriate official of the corporation or juristic person must be submitted. M.P.E.P. § 409.03(b), 7th ed.

NOTE: An inventor may not authorize another individual to act as his agent to sign the declaration papers although he or she can authorize the filing of the application if he or she later makes the declaration. See 37 C.F.R. § 1.41(c).

III. A. I establish the proprietary interest by

(check and complete (d) or (e))

NOTE: MPEP, § 409.03(f), 8th Edition: "If the application has been assigned, a copy of the assignment (in the English language) must be submitted."

- (d) ☐ attaching a copy of the assignment of this invention by the nonsigning inventor.
(e) ☒ attaching a copy of the agreement whereby the nonsigning inventor agreed to assign this invention. See Annex 1

NOTE: A typical agreement to assign includes the employment agreement whereby the nonsigning inventor agreed to assign all his inventions to his or her employer. If an agreement to assign is dependent on certain specified conditions being met, it must be established in this statement that those conditions have been met. M.P.E.P. § 409.03(f), 8th ed.

OR

- B. ☐ Although there is no assignment or written agreement to assign, a sufficient proprietary interest is demonstrated by the attached legal memorandum establishing that a court of competent jurisdiction would, by the weight of authority in that jurisdiction, award title in the invention to me or the legal entity on whose behalf I have authority to sign.

NOTE: There should be filed a STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE THAT NONSIGNING INVENTOR WAS EMPLOYEE OR OTHERWISE OBLIGATED TO PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHEN INVENTION MADE.

NOTE: If the assignment being submitted is to be recorded, it should be submitted with an ASSIGNMENT (DOCUMENT) COVER SHEET or Form PTO 1595.

IV. ASSIGNEE'S STATEMENT

- ☒ A "STATEMENT UNDER 37 CFR 3.73(b)" (PTO/SB/96) is attached.

(Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor [1-7]
—page 2 of 3)

V. PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS OF THE PARTIES

NOTE: This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)).

Irreparable damage may be established by showing that a filing date is necessary to preserve the rights of the party, such as to (1) avoid a statutory bar that should identify the act or publication believed to constitute the bar or (2) make a claim for priority, which should identify the prior application(s) involved. M.P.E.P. § 409.03(g), 8th ed.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the omitted inventor or that a firm plan for commercialization of the subject matter of the application has been adopted. M.P.E.P. § 409.03(g), previous 7th ed.

NOTE: This section may be omitted if it is completed in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor.

(use Supplemental Page(s) if necessary)

A filing date is necessary to make a claim for priority to PCT/FR2005/000319, filed February 10, 2005, which claims priority from French Application No. FR 04 01545, filed February 16, 2004.

Date:

Sept 10, 07



Signature of person making statement

Pierre Cosnier

NOTE: MPEP, § 409.03(b), 8th Edition: "Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Stager v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *in re Striker*, 182 USPQ 507 (Comm'r Pat. 1973)."

☐ Plus _____ added page(s)

Practitioner's Docket No. W51.12-0033**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Nicolas Ibrahim et al.

For: CELLULAR RADIOTELEPHONE SIGNAL PERMITTING SYNCHRONISATION OF A SUPPLEMENTARY CHANNEL BY MEANS OF A PRINCIPAL CHANNEL, AND CORRESPONDING METHOD, TERMINAL AND the specification of which: (check and complete (a), (b) or (c))
BASE STATION

- (a) ☒ is attached hereto.
- (b) ☒ was filed on 8/16/2006 as Application Serial No. 10 / 589,542 and was amended on 8/16/2006 (if applicable).
- (c) ☒ was described and claimed in International Application No. PCT/FR2005/000319 filed on 2/10/2005 and as amended on _____ (if any).

**STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE
THAT NONSIGNING INVENTOR WAS EMPLOYEE
OR OTHERWISE OBLIGATED TO PERSON
WITH SUFFICIENT PROPRIETARY INTEREST WHEN INVENTION MADE**

I. I,

Pierre Cosnier
Name of person making statement
53 avenue des Etats-Unis - 78000 Versailles - France
Residing at

make this statement in support of the

STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR in this application which I have read.

II. I have also read the above-identified specification and claims.**III.** I confirm that I have first hand knowledge that the omitted inventor made the above-identified invention while in the employ of or otherwise obligated to the entity showing a proprietary interest that I now set forth:

NOTE: MPEP, § 409.03(f), 8th Edition: "If the application has been assigned, a copy of the assignment (in the English language) must be submitted."

☒ A "STATEMENT UNDER 37 CFR 3.73(b)" (PTO/SB/96) is attached.

Mr. Ibrahim was employed by Wavecom at the time the invention was made and remained employed at Wavecom through the time the original priority patent application was filed in France on February 16, 2004.

Annex 1 is a copy of an original Wavecom employment agreement, including an English translation, signed by the inventor, Nicolas Ibrahim on April 5, 2002.

Paragraph 8 of the employment agreement acknowledges that any invention made by Mr. Ibrahim in the exercise of his duty at Wavecom will entirely become property of Wavecom.

Mr. Vujcic was employed by Wavecom at the time the invention was made and remained employed at Wavecom through the time the original priority patent application was filed in France on February 16, 2004.

Annex 1 is a copy of an original Wavecom employment agreement, including an English translation, signed by the inventor, Dragan Vujcic on April 15, 2002.

Paragraph 8 of the employment agreement acknowledges that any invention made by Mr. Vujcic in the exercise of his duty at Wavecom will entirely become property of Wavecom.

(use Supplemental Page(s) if necessary)

(Statement That Nonsigning Inventor Was Employee When Invention Made [1-10]—page 2 of 3)

Date: Sept 10, 07



(Signature of person making statement)
Pierre Cosnier

☐ Plus _____ added page(s)

(Statement That Nonsigning Inventor Was Employee When Invention Made [1-10]—page 3 of 3)